

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 29, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

J. James Jackson
Attorney at Law
3500 Lenox Road
Suite 1500
Atlanta, GA 30326

04-R-0570

RE: Mary Dawson

Dear Attorney Jackson

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
 04-O-0487 04-R-0473
 ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0133

Date: March 16, 2003

Claimant /Victim MARY DAWSON
BY: (Atty) (Ins. Co.) J. James Johnson
Address: 3500 Lenox Road Suite 1500 Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ 25,400.00 Bodily Injury \$ 25,000.00
Date of Notice: 02/19/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/17/03 Place: 599 Whitaker Street
Department Watershed Management Bureau: Division: Sewer Operation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a sewer back up at 599 Whitaker Street. However, an investigation determined that the mainline was open and the sewer backup in the basement resulted from a blockage in the service connection to Ms. Dawson's home. The homeowner was advised to contact a plumber as the maintenance of the service connection is the responsibility of the homeowner.

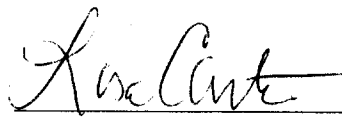
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:


Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,




INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 03/17/04
Committee Action: Council Action

J. JAMES JOHNSON
ATTORNEY AT LAW
ALLIANCE CENTER
3500 LENOX ROAD, SUITE 1500
ATLANTA, GEORGIA 30326

December 19, 2003

Carter
02/19/04


By hand delivery
Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue
Atlanta, GA 30303

ENTERED - 2-26-04 - SB
04L0133 - LISA CARTER

**Re: Claim of Mary Dawson against City of Atlanta
in reference to property at 599 Whitaker Street, Atlanta, Georgia 30318;
flood of sewage on June 22, 2003, further acts of nuisance and negligence
by the City of Atlanta, further backup and flooding on November 17, 2003,
and resulting property damage and personal injuries**

Dear City Council and Municipal Clerk:

I represent Mary Dawson, who resides at 599 Whitaker Street, Atlanta, Georgia 30318.

On behalf of Ms. Dawson, I am submitting with this letter Ms. Dawson's claim for damages dated December 19, 2003. I respectfully request that the City consider Ms. Dawson's claim and grant her compensation for her property loss pain and suffering that has resulted from a horrendous flood of sewage from the City's sewer into the basement area of her residence and from the City's failures thereafter to complete the removal and cleanup of the contaminated contents of the residence. Ms. Dawson and her children were subjected to offensive and unhealthy conditions for a period of months. One aspect of Ms. Dawson's claims, the property damage caused on June 22, 2003, was the subject of a prior claim by Ms. Dawson, which the City denied.

It is unfortunate and well known that the City of Atlanta has a sewer system that puts the city and its residents at risk. Regardless of any technical defenses that the City might raise in response to this claim, the plain fact is that Ms. Dawson and her children were innocent victims. They should not be neglected or rejected now. Please do not let Atlanta become the City to busy too care.

I ask that the City's appropriate representative contact me concerning this claim so that we might discuss a negotiated resolution that could save the City and its taxpayers money that is needed for the City's other important priorities.

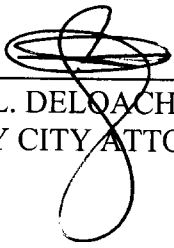
Entered - 02/26/04 - sb
CL - 04L0133 LISA CARTER

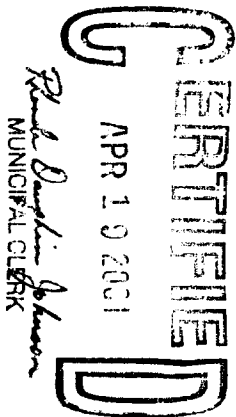
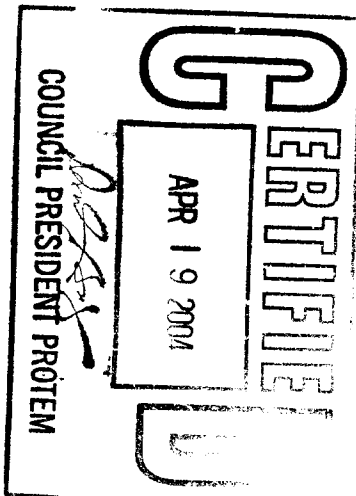
CLAIM OF: MARY DAWSON, through her attorney
J. James Jackson
3500 Lenox Road, Suite 1500
Atlanta, Georgia 30326

04-*p*-0570

For damages alleged to have been sustained as a result of a sewer
back up on November 17, 2003 at 599 Whitaker Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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APR 19 2004